

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**TAMMY MOSLEY-LOVINGS,**

**Plaintiff,**

**vs.**

**AT&T SERVICES, INC.,**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 3:18-cv-1145-X**

**DEFENDANT'S AMENDED PROPOSED VOIR DIRE QUESTIONS**

Defendant AT&T Services, Inc. requests that the following questions be asked of potential jurors during *voir dire* pursuant to Rule 47(a) of the Federal Rules of Civil Procedure, to the extent these topics and questions are not covered by the Court's customary *voir dire*. Defense Counsel requests that follow-up questions to seek explanation for any "Yes" responses to the questions below be handled at sidebar, as appropriate, for potentially sensitive issues. Defense Counsel also requests leave to orally tender supplemental questions as may be necessitated by the answers of prospective jurors during *voir dire*.

Dated: August 12, 2020

Respectfully submitted,

/s/Karl G. Nelson

Karl G. Nelson

TX Bar No. 14900425

Ashley E. Johnson

TX Bar No. 24067689

Andrew P. LeGrand

TX Bar No. 24070132

Collin D. Ray

TX Bar No. 24093013

GIBSON, DUNN & CRUTCHER LLP

2001 Ross Avenue, Suite 2100

Dallas, TX 75201

Tel: (214) 698-3100

Fax: (214) 571-2900

[KNelson@gibsondunn.com](mailto:KNelson@gibsondunn.com)

[AJohnson@gibsondunn.com](mailto:AJohnson@gibsondunn.com)

[ALeGrand@gibsondunn.com](mailto:ALeGrand@gibsondunn.com)

[CDRay@gibsondunn.com](mailto:CDRay@gibsondunn.com)

*Counsel For Defendant AT&T Services, Inc.*

**A. Background Questions**

1. Who here attended or graduated college?
  - a) What was your major area of study and what licenses or degrees, if any, did you obtain?
2. Who is currently employed?
  - a) What is your occupation and the name of your employer?
  - b) How long have you been working there?
  - c) Do you work full-time or part-time?
  - d) Are you paid a salary or paid by the hour?
  - e) What type of business does your employer conduct?
  - f) How do you feel about your current employer and workplace?
3. Who is currently unemployed?
  - a) What was your most recent occupation and the name of your employer?
  - b) How long did you work for this employer?
  - c) Did you work full-time or part-time?
  - d) Were you paid a salary or paid by the hour?
  - e) What type of business did your most recent employer conduct?
  - f) Why are you no longer working there?
  - g) How do you feel about your former employer and workplace?
  - h) Are you currently looking for work?
  - i) If you are currently looking for work, what type of work are you looking for?
4. How many of you have had life experiences that have convinced you that employers are always looking for ways to underpay employees rather than overpay them?
  - a) Was it an experience with as past employer?
  - b) Friend or Family member's past employer?

5. How many of you have ever worked a job that paid by the hour?
  - a) I'm not saying this happened in this case, but if worked for a company that rounds your time up, how would that make you feel? Conversely, if you worked for a company that rounded your time down?
6. Is anyone a full-time student, a homemaker, retired, or disabled?
  - a) If you are a student, where do you attend school, and what are you studying?
  - b) If you are retired, when did you retire?
7. If you are married or living with a significant other, what is your spouse's or significant other's current occupation and employer?
  - a) If your spouse or significant other is retired, unemployed, disabled, or not working outside the home, what was his or her most recent occupation?
8. Do you have any children? If yes, what are their ages, and if any are working, what are their occupations?
9. Have you, or anyone in your family ever been a member of a labor union?
  - a) If so, what was the union and when were you a member?
  - b) Did you attend meetings regularly?
  - c) Did you ever hold any leadership positions in the union?
10. Have you ever served in the military?
  - a) If yes, what branch and when?
  - b) What was the highest rank you achieved?
11. Have you served on a jury before, including on a Grand Jury? If yes:
  - a) How many times?
  - b) Were they civil or criminal cases?
  - c) Did the jury reach a verdict in all of the cases? If not, why not?
  - d) Were you ever the foreperson?
  - e) Is there anything about your prior jury service that would affect your ability to serve as a trial juror in this case?

12. Does anyone keep a journal?
  - a) Why?
  - b) If so, how often do you write in your journal?
  - c) If not, why not?
13. Does anyone create a daily/weekly/monthly task or punch list for personal or professional reasons?
  - a) Why?
  - b) If so, how often do you update your list?
  - c) If not, why not?
14. Who prepares a shopping list before going grocery shopping on most occasions?
  - a) Who doesn't? Why not?
15. Does anyone write notes/send emails/send text messages to themselves to remember important information?
  - a) How frequently would you say you do that?
  - b) If not, why not?
16. Does anyone use sticky notes for personal or professional reasons?
  - a) How/why?
  - b) How frequently would you say you do that?
  - c) If not, why not?
17. Does anyone use an application like Microsoft Outlook, Google Calendar, or the Calendar App on your iPhone/iPad?
  - a) How so?
  - b) How frequently would you say you do that?
  - c) If not, why not?

18. Who out there reads or watches the news?
  - a) Do you typically watch the news, read newspapers, or read websites?
  - b) If television, what network?
  - c) If newspaper, what newspaper?
  - d) If website, what website?
19. Raise your hand if when making decisions you believe you typically rely more on your heart than on your mind?
20. Who here typically roots for the underdog?
21. Who believes that people who complain usually have a valid reason for doing so?

**B. Familiarity With Attorneys, Parties, Witnesses, And The Court**

1. Prior to the short summary of the case and before you arrived at court, has anyone here heard about this case—or anything similar to this case—in the news or from other sources? If yes, have you formed any opinions about the case from these reports or other sources? Would this experience make it difficult for you to be fair and impartial in this case?
2. Do you or anyone close to you have an opinion of, experience with, or association with any of the lawyers or law firms in this case? [*Gibson Dunn & Crutcher LLP; Braziel Dixon, LLP; Glen Dunn & Associates Ltd.; Jeffery Grant Brown PC; Karl Nelson; Andrew LeGrand; Ashley Johnson; Collin Ray; Rachel Robertson; Leah Bower; J Derek Braziel; Angel P. Bakov; Glen J Dunn, Jr.; Jeffery Grant Brown; Travis Andrews Gasper.*]
3. Do you or anyone close to you have an opinion of, experience with, or association with any of the parties in this case? [*Tammy Mosley-Lovings; AT&T Services, Inc. or any AT&T affiliated company*]
4. Are you familiar with AT&T?
  - a) What do you think about AT&T?
  - b) Have you read or heard anything about AT&T or had any personal experience that gives you a negative impression of the company for any reason?
5. Do you or anyone close to you have an opinion of, experience with, or association with any of the potential witnesses in this case?
6. Do you have any familiarity with any of the Court staff?

**C. Relevant Experiences And Training**

1. Have you or your spouse/significant other ever received education or training in law or worked in any legal profession, or with the judicial system in any capacity?
  - a) If yes, please explain.
2. Have you or your spouse/significant other ever received education or training in human resources or personnel matters?
3. Have you or your spouse/significant other ever owned or managed a business?
4. Have you or your spouse/significant other ever had a serious, negative experience with an employer or former employer?
  - a) If yes, please explain.
5. Do you or your spouse/significant other have any special knowledge or work experience in or with any of following fields?
  - a) If so, please describe who and the nature of the training or employment:
  - b) Information & technology (TI)
  - c) Call center operations
  - d) Payroll or employee timekeeping processes.
6. Have you, any members of your family, or any of your close friends ever been involved in a labor, employment, or wage dispute?
  - a) When did this dispute take place?
  - b) Who was dispute?
  - c) Did any claim arise out of the dispute?
  - d) Was there any lawsuit relative to the incident you have mentioned?
  - e) How was the matter resolved?
  - f) Were you satisfied with the outcome of the dispute?
  - g) Do you feel that the dispute which you have mentioned might have some bearing on your judgment if you were chosen as a juror in this trial?

7. Have any of you, any member of your family, or any of your close friends ever been a plaintiff, defendant, or witness in any lawsuit that we have not yet discussed?
  - a) If a party, what was the nature of the case?
  - b) If a witness, what was your participation in the case?
  - c) Were you/they satisfied with the outcome of the case?
8. Have you, any member of your family, or any of your close friends ever believed you or they were not paid the full wage or salary to which you or they were entitled?
9. Have you, any member of your family, or any of your close friends ever had a job that required you to manually report work time or overtime?
  - a) Do you have any strong opinions, positive or negative, about that system for reporting work time or overtime?
10. Have you, any member of your family, or any of your close friends ever felt you were expected to do work-related activities before or after your scheduled work hours and believed that you or they were not appropriately compensated for doing such work?
  - a) If yes, please explain.
11. Do you have any familiarity with federal wage-and-hour-laws? If yes, please explain.
  - a) Do you have any familiarity with the Fair Labor Standards Act? If yes, please explain.
  - b) Do you have any familiarity with federal overtime laws? If yes, please explain?
12. Do you have any other life experience or special training that causes you to lean for or against any party or position in this case? If yes, please explain.

**D. Corporations**

1. What is your opinion of corporations?
2. What are some issues or problems that need to be solved with large corporations today?
3. Have you had a serious negative experience with a corporation?
4. Do you have any negative opinions of AT&T or have you had a serious negative experience with AT&T?

5. Should a corporation be held to a higher standard than an individual?
6. In a lawsuit between an individual on one side and a one or more large corporations on the other side, would you probably tend to favor one side over the other, regardless of the evidence?
7. Would you trust a witness who testifies on behalf of a company any less than you would trust a witness who testifies on behalf of an individual?
8. Who believes that corporations generally look for ways to pay their employees less?
9. Who thinks that that big companies generally shortchange their employees?
10. Who believes that large corporations are more likely to closely monitor and track the activities of their individual employees than are other employers?
11. Who believes it's unfair for large corporations to expect their employees to follow workplace policies even if inconvenient to the employees?
12. Who believes it's unfair for large corporations to require employees to report overtime?
13. The FLSA allows employers to require employees to report any overtime they work. Who thinks that employees should be paid for overtime they did not report to their employer?

**E. Burden of Proof**

1. This is a civil case, and not a criminal case. In a civil case, the plaintiff has to prove that her claim is more likely than not true. This is known as the burden of proof. Does any member of the panel have any difficulty with this concept, or with being able to follow the Court's instructions regarding the burden of proof the plaintiff must bear in civil cases?
2. Does anyone disagree with our justice system placing the burden of proof on the party who claims that someone else harmed them in some way? If yes, explain.
3. Does anyone believe that the fact that someone brings a lawsuit makes it more likely that their allegations are true?
4. Does anyone believe that the defendant in this case, AT&T, should have to prove it did nothing wrong? If yes, explain.
5. As a juror, you must wait until all the evidence has been presented and you have been instructed on the law which is to be applied before you make up your mind concerning any fact or issue in this case. Does anyone believe they would have difficulty doing so?



6. The Judge will give you an instruction that you have to make your decision based on all the evidence. In order to follow that instruction you have to wait to hear from AT&T's lawyers. Is there anyone who, for any reason, can't wait to hear from AT&T's lawyers and will make up their mind before they hear from both sides?
7. If you find that the Plaintiff has not proven her claim according to the standards I will instruct you on, you must follow my instructions no matter how sympathetic you might be to the Plaintiff's personal circumstances. Does anyone believe they would have difficulty doing this, for any reason?
8. At this point, who believes the Plaintiff's case probably has some merit or that the Plaintiff probably deserves some compensation from AT&T?

**F. Final Questions**

1. Did you know or recognize anyone else in the jury pool before coming here today? If so, how do you know each other, and will your relationship affect you if you both end up on the jury?
2. If you are selected as juror, will you listen to the views of other jurors and work cooperatively with other jurors in order to reach a verdict?
3. The judge has instructed you to not do any independent research on this case or discuss with anyone else, including on social media. Is there anyone who believes it will be difficult to follow that instruction?
4. This case is expected to take approximately three days of trial before the case is submitted to you for a verdict. Would the length of time for this trial create an undue hardship to any of you, or present a special problem to any member of the panel? Having heard the questions asked by the court, is there any other reason why you could not sit on this jury and render a fair verdict based on the evidence in light of the court's instructions on the law?